

1 Thomas Lloyd Smith, City Attorney (SBN314631)  
CityAttorney@ci.Antioch.ca.us  
2 City of Antioch  
P.O. Box 5007  
3 Antioch, CA 94531-5007  
Telephone: (925) 779-7015

4 Deborah J. Fox (SBN110929)  
dfox@meyersnave.com  
5 David Mehretu (SBN269398)  
dmehretu@meyersnave.com  
6 MEYERS, NAVE, RIBACK, SILVER & WILSON  
7 555 12<sup>th</sup> Street, Suite 1500  
Oakland, California 94607  
8 T: (510) 808-2000  
F: (510) 444-1108

9 Attorneys for Defendant  
10 CITY OF ANTIOCH

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 MARK OWENS JORDAN, *PRO PER*

14 Plaintiff,

15 v.

16 CITY OF ANTIOCH,

17 Defendant.

Case No.

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(a)**

Contra Costa Superior Court Case C20-00976  
State Action Filed June 1, 2020

18 Trial Date: None Set

19  
20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE THAT Defendant City of Antioch ("Defendant") hereby  
22 removes this action from the Superior Court of the State of California, Contra Costa County, to the  
23 United States District Court for the Northern District of California. Removal is proper and based  
24 upon, *inter alia*, the following grounds:

25 **REMOVAL PROCEDURE**

26 1. On June 1, 2020, Plaintiff Mark Owens Jordan ("Plaintiff") commenced an action  
27 in the Superior Court of the State of California, County of Contra Costa, entitled *Mark Owens*  
28 *Jordan v City of Antioch*, Case No. C20-00976.

1           2.       On June 2, 2020, Plaintiff served Defendant with a copy of the Summons and  
2 Complaint. Defendant received the Complaint for the first time on June 2, 2020. A true and  
3 correct copy of the Complaint, all process, pleadings, and orders served upon Defendant, and  
4 Defendant's answer, which was filed in the Superior Court of the State of California, Contra Costa  
5 County, and served on Plaintiff prior to removal, are attached hereto as **Exhibit A**.

6           3.       No other parties have been named or served as additional defendants in this action.

7           4.       Defendant files this Notice of Removal within one year of the date the action was  
8 originally filed, and within 30 days of receipt of the Complaint by Defendant. Accordingly,  
9 removal is timely pursuant to 28 U.S.C. § 1446(b).

10          5.       Promptly after filing this Notice of Removal, Defendant shall give written notice of  
11 the removal to Plaintiff (the only adverse party), and will file a copy of such notice with the Clerk  
12 of the Superior Court of the State of California, Contra Costa County, as provided in 28 U.S.C. §  
13 1446(d).

14          6.       This Notice of Removal is hereby filed in accordance with 28 U.S.C. § 1446 and  
15 signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

16 **JURISDICTION (FEDERAL QUESTION)**

17          7.       This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331.

18          8.       A district court has original jurisdiction over all civil actions "arising under" the  
19 Constitution and laws of the United States. 28 U.S.C. § 1331.

20          9.       In the Complaint, Plaintiff alleges, *inter alia*, violations of Plaintiff's rights under  
21 the U.S. Constitution. Accordingly, Plaintiff alleges causes of action that "arise under" federal  
22 law, making this a civil action over which this Court has original jurisdiction under 28 U.S.C. §  
23 1331. *Bank of Lake Tahoe v. Bank of Am.*, 318 F.3d 914, 917 (9th Cir. 2003), as amended on  
24 denial of reh'g and reh'g en banc (Mar. 14, 2003) (violations of rights under the U.S. Constitution  
25 are construed as "allegations under the umbrella of § 1983"). This action may, therefore, be  
26 removed to this Court pursuant to 28 U.S.C. § 1441(a).

1 **VENUE**

2 10. Removal to this specific District Court is proper, pursuant to 28 U.S.C. § 1441(a),  
3 because the Complaint was filed in Contra Costa County, California, a place embraced by this  
4 District Court.

5 WHEREFORE, Defendant hereby gives notice that the above-described action, pending  
6 against Defendant in the Superior Court of the State of California, Contra Costa County, is hereby  
7 removed to this court.

8  
9 DATED: July 2, 2020

MEYERS, NAVE, RIBACK, SILVER & WILSON

10  
11 By: /s/ David Mehretu

12 DAVID MEHRETU  
13 Attorneys for Defendant  
CITY OF ANTIOCH

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